

MINUTES
COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Thursday, February 1, 2007

Division Two

A111319 – The People v. Roy Michael Johnson.

The judgment is affirmed. Kline, P.J. We Concur: Lambden, J., Richman, J. (Not for Publication.)

A115414 – The People v. Jose M. Lopez, Jr.

Our independent review having found no arguable issues that require briefing, the judgment of conviction is affirmed. Richman, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

Division Five

A111308 – The People v. Lawrence R. Kirk.

The judgment of recommitment is reversed and the matter remanded for new trial. Simons, J. We Concur: Jones, P.J., Gemello, J. (Not for Publication.)

A113289 – Eureka Citizens for Responsible Government et al. v. City of Eureka et al.; Eureka Church of the Nazarene et al., R.P.I.

By the Court: Order Modifying Opinion and Certifying Opinion for Partial Publication. It is ordered that the opinion filed herein on January 8, 2007, be modified as follows: (See order.)

The opinion was not certified for publication in the Official Reports. For good cause it now appears that the opinion should be partially published in the Official Reports and it is so ordered.

This modification does not change the judgment. Jones, P.J. (Certified for Partial Publication.)

Friday, February 2, 2007

Division Four

A113181 – The People v. Mark Edward Hamann.

The judgment is affirmed. Rivera, J. We Concur: Reardon, Acting P.J., Sepulveda, J.
(Not for Publication.)

Monday, February 5, 2007

Division Two

A113682 – The People v. Roberto Ponce.

The judgment is affirmed. Haerle, J. We Concur: Kline, P.J., Richman, J. (Not for Publication.)

Division Three

**A111584 – In re the Marriage of Richard Miller and Angela Browne-Miller.
Richard Miller v. Angela Browne-Miller.**

By the Court: Order Modifying Opinion and Denying Rehearing. It is ordered that the opinion filed herein on January 5, 2007, be modified in the following particulars: (See order.)

The petition for rehearing is denied. There is no change in the judgment. Pollak, Acting P.J.

Division Five

**A114533 – In re Angelica I., a Person Coming Under the Juvenile Court Law.
People of the State of California v. Angelica I.**

The disposition order is modified to recite that appellant's maximum term of confinement pursuant to section 726, subdivision (c) is six months. As modified, the order is affirmed. Gemello, J. We Concur: Jones, P.J., Miller, J. * (Not for Publication.)

* Judge of the Superior Court of San Francisco County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION ONE

Tuesday, February 6, 2007

The Court convened at 9:00 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Marchiano, P.J., Stein, J., Swager, J., and P. Aguilar, Deputy Clerk.

Presiding Justice Marchiano announced that Deputy Clerk Pam Aguilar will be leaving the Court to work for the City of Belmont as Assistant City Clerk. She has worked for the Court of Appeal for 7 years and has diligently served this division. Justice Marchiano acknowledged and thanked Pam for her good work and service. Counsel for appellant on the first case on calendar advised the Court of his late arrival. The case was skipped and the second case on calendar was called.

A108723 People
 v.
 Aaron Lyndall Cooper
Cause called and argued by James Gee, counsel for appellant, and Rene Chacon, counsel for respondent. Cause ordered submitted.

A091588 People
 v.
 Lance Ernest Laumann
Cause called and argued by William Capriola, counsel for appellant, and Ann Wathen, counsel for respondent. Cause ordered submitted.

At this point in the proceedings, Justice Swager left the bench and Justice Margulies joined the bench.

A114405 People
 v.
 James Brian Jamison
Cause called and argued by Mark Shenfield, counsel for appellant via teleconferencing, and David Rose, counsel for respondent. Cause ordered submitted.

- A112650 Silas Telfor
 v.
 Mercy Services Corporation, et al.
 Cause called and argued by Philip Steven Horne, counsel for appellant, and Terry
 Anastassiou, counsel for respondents. Cause ordered submitted.
- A108473 City and County of San Francisco
 v.
 Pacific Gas and Electric Company
 Cause called and argued by Danny Chou, counsel for appellant, and Elizabeth
 Collier, counsel for respondent. Cause ordered submitted.

Court recessed until 1:30 p.m.

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION ONE

Thursday, February 6, 2007

The Court reconvened at 1:30 p.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Marchiano, P.J., Swager, J., Margulies, J., and F. Abad, Deputy Clerk.

A112656 Marion Walsh
v.
Bradley Kass, et al.
Cause called and argued by Bradley Kass, representing himself and co-appellants, and Russell Robinson, counsel for respondent. Cause ordered submitted.

A114847 Ronald Richardson
v.
Robert Wcislo, et al.
Cause called and argued by Bruce Zelis, counsel for appellant, and Kara Ann Smith, counsel for respondents. Judith Pemberton, co-counsel for respondent appeared but did not argue. Cause ordered submitted.

At this point in the proceedings, Justice Marchiano left the bench, and Justice Stein joined the bench and presided over the remainder of the calendar.

A113398 Adena Rosmarin
v.
Peter Rosmarin
Cause called and argued by Adena Rosmarin, appellant in propria persona, and Robert Condie, counsel for respondent. Cause ordered submitted.

A112254 Bruce McKay
v.
Self Defense Institute, et al.
Cause called and argued by Stephen Rhoads, counsel for appellant, and Nancy Battel, counsel for respondents. Cause ordered submitted.

Court Adjourned

Tuesday, February 6, 2007

Division Two

A110927 – The People v. Aaron Wysinger, Jr.

The judgment of conviction is affirmed. Richman, J. We Concur: Kline, P.J., Haerle, J.
(Not for Publication.)

Division Three

A113644 – Richard M. Synchef v. Najma International Corporation, et al.

The post judgment order is affirmed. Synchef shall bear costs on appeal. McGuiness, P.J.
We Concur: Parrilli, J., Pollak, J. (Not for Publication.)

A112573 – Affiliated Brokers v. Lillian M. Alexander-Lewis, Hong Jacquelyn Gardner et al.

By the Court: We construe appellant's "response to decision" as a petition for rehearing.
The petition is denied. McGuiness, P.J.

A109870, A111572, A113352 – Louis Ratto v. Ki O. Son.

By the Court: On the court's own motion, the above-referenced appeals are consolidated for purposes of oral argument and decision. All case numbers shall appear on any documents filed in this court. McGuiness, P.J.

A110256 – In re the Marriage of Patricia Kim Deal and Thomas M. Deal. Thomas M. Deal v. Patricia Kim Deal.

By the Court: The petition for rehearing is denied. McGuiness, P.J.

A111281 – In re the Marriage of Patricia Kim Deal and Thomas M. Deal. Thomas M. Deal v. Patricia Kim Deal.

By the Court: The petition for rehearing is denied. McGuiness, P.J.

A108741 – The People v. Angela Bufford.

By the Court: The petition for rehearing is denied. McGuiness, P.J.

Wednesday, February 7, 2007

Division One

A113441 – In re Clarence W., a Person Coming Under the Juvenile Court Law. The People v. Clarence W.

Accordingly, the judgment is affirmed. Swager, J. We Concur: Stein, Acting P.J., Margulies, J.

Division Two

A112748 – The People v. Ricardo Flores.

The judgment is affirmed. Haerle, J. We Concur: Kline, P.J., Richman, J. (Not for Publication.)

Division Three

A109036 – The People v. Michael Ringo.

The judgment is affirmed. Parrilli, Acting P.J. We Concur: Pollak, J., Siggins, J. (Not for Publication.)

A113650 – The People v. Neal G. Taylor.

The judgment is affirmed. Parrilli, Acting P.J. We Concur: Pollak, J., Siggins, J. (Not for Publication.)

A113376 – Uphold Our Heritage v. Town of Woodside; Steven Jobs, R.P.I.

By the Court: Order Denying Rehearing and Certifying Opinion for Publication. The opinion filed in the above-entitled matter filed on January 10, 2007, was not certified for publication in the Official Reports. For good cause it now appears that the opinion should be published in the Official Reports and it is so ordered. The petition for rehearing is denied. There is no change in judgment. Parrilli, Acting P.J. (Certified for Publication.)

Division Five

A112717 – In re Danielle L. et al., Persons Coming Under the Juvenile Court Law. Contra Costa County Bureau of Children and Family Services v. Andrea D.

By the Court: The opinion filed on January 10, 2007, is modified as follows: (See order.) These changes do not change the judgment. Appellant's petition for rehearing is denied. Jones, P.J.

Thursday, February 8, 2007

Division One

A110050 – The People v. Victor Gene Schleuder.

By the Court: The petition for rehearing is denied. Stein, Acting P.J.

Division Two

A112275 – Karen Jackson et al. v. City of Redwood City et al.

The judgments are affirmed. Kline, P.J. We Concur: Lambden, J., Richman, J. (Not for Publication.)

A112062 – The People v. Tommy Bell.

Affirmed. Lambden, J. We Concur: Kline, P.J., Richman, J. (Not for Publication.)

Division Four

A113481 – Southern California Labor/Management Operating Engineers Contract Compliance Committee v. John M. Reardon, as Acting Director, etc.; Ford Construction Company, R.P.I.

The judgment is affirmed. Ruvolo, P.J. We Concur: Reardon, J., Sepulveda, J. (Not for Publication.)

A113167 – The People v. Miguel Angel Alfaro.

The judgment is affirmed. Rivera, J. We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

A113538 – Belinda Magliocco et al. v. Maurice Kanbar.

The judgment is affirmed. Respondents shall recover their costs on appeal. Sepulveda, J. We Concur: Reardon, Acting P.J., Rivera, J. (Not for Publication.)

Friday, February 9, 2007

Division Two

A113384 – Antioch Building Materials, Inc. v. Ramona Bellante, Individually and as Trustee, etc.

The judgment is affirmed. Bellante shall recover costs. Richman, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

Division Three

A113941 – Terrence Bezdek et al. v. Norma Fogelberg.

The judgment of dismissal entered after the order sustaining a demurrer to the Bezdeks' cross-complaint is reversed. Costs are awarded to Bezdeks. Parrilli, Acting P.J. We Concur: Pollak, J., Siggins, J. (Not for Publication.)

Division Four

A115468 – In re Thomas G., a Person Coming Under the Juvenile Court Law. The People v. Thomas G.

Judgment affirmed. Reardon, J. We Concur: Ruvolo, J., Sepulveda, J. (Not for Publication.)

Division Five

A112847 – In re Iesha S. et al., Persons Coming Under the Juvenile Court Law. Contra Costa County Children & Family Services Bureau v. Starla W.

The orders terminating mother's and father's parental rights are affirmed. Jones, P.J. We Concur: Simon, J., Miller, J.* (Not for Publication.)

* Judge of the Superior Court of San Francisco County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Tuesday, February 13, 2007

Division One

A114405 – The People v. James Brian Jamison.

The judgment is reversed and the case is remanded for resentencing. Marchiano, P.J. We Concur: Stein, J., Margulies, J. (Not for Publication.)

A112656 – Marion Walsh v. Bradley Kass et al.

The order of the trial court is affirmed. Margulies, J. We Concur: Marchiano, P.J., Swager, J. (Not for Publication.)

Division Two

A110614 – The People v. David Dwayne Washington.

The matter is remanded to the trial court with directions to prepare an amended order that reflects the award of 368 days of custody credit and 184 days of conduct credit, for a total of 552 days of credit. In all other respects, the judgment is affirmed. Kline, P.J. We Concur: Haerle, J., Richman, J. (Not for Publication.)

Division Five

A112854 – Kurt Hahn v. Daniel Mirda et al.

By the Court: The opinion filed on January 19, 2007, is hereby certified for publication pursuant to California Rules of Court, rule 8.1105(c)(1). Jones, P.J. (Certified for Publication.)

Wednesday, February 14, 2007

Division One

A112173 – The People v. Joseph Wells.

The trial court's judgment is affirmed. Margulies, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication.)

Division Two

A113363 – The People v. Thomas Michael Silva.

The abstract of judgment shall be amended to strike the \$420 restitution payment to Woody's Chevron. In all other respects, the judgment is affirmed. Richman, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

A114056 – The People v. Richard Corrales.

Accordingly, the judgment is affirmed. Lambden, J. We Concur: Kline, P.J., Richman, J. (Not for Publication.)

A114278 – In re Aaron C., a Person Coming Under the Juvenile Court Law. San Francisco Department of Human Services v. Cherie C.

The appeal is dismissed as moot. Kline, P.J. We Concur: Haerle, J., Richman, J. (Not for Publication.)

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION THREE

Wednesday, February 14, 2007

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: McGuiness, P.J., Pollak, J., and Siggins, J.; and B. Robbins, Deputy Clerk.

A109917 The People,
 v.
 Mark Delroy Daley.
Cause called and argued by Meredith L. Fahn, counsel for appellant, and Morris Lenk, counsel for respondent. Cause ordered submitted.

A113024 Circle Star Center Associates,
 v.
 Liberate Technologies.
Cause called and argued by Kenneth N. Burns, counsel for appellant, and Garrett J. Waltzer, counsel for respondent. Cause ordered submitted.

At this point in the proceedings, Justice Parrilli joined the bench. The panel for the next case consisted of Presiding Justice McGuiness, Justice Parrilli, and Justice Pollak. Justice Siggins remained in the courtroom but did not participate.

A109141 The People,
 v.
 Ulysses Davis.
Cause called and argued by Maribeth Halloran, counsel for appellant, and Christina vom Saal, counsel for respondent. Cause ordered submitted.

At this point in the proceedings, the panel for the next cases consisted of Presiding Justice McGuiness, Justice Parrilli, and Justice Siggins. Justice Pollak remained in the courtroom but did not participate.

A112822 The People,
 v.
 Hoeuth Hin.
Cause called and argued by Ozro W. Childs, counsel for appellant, and David M. Baskind, counsel for respondent. Cause ordered submitted.

At this point in the proceedings, Presiding Justice McGuiness left the courtroom, and the panel for the remaining cases consisted of Justice Parrilli, Justice Pollak, and Justice Siggins. Justice Parrilli presided over the remainder of the calendar.

- AA114234 Lloyd W. Schloegel,
v.
John Schloegel, et al.
Cause called and argued by Lloyd W. Schloegel, appellant in pro per. There were no appearances for respondents. Cause ordered submitted.
- A109085 Mark Ottovich,
v.
Seaboard Surety Company, et al.
Cause called and argued by Paul McCarthy, counsel for appellant; Mark Goodman, counsel for respondent Public Guardian; and John L. Fallat, counsel for respondent Seaboard. Cause ordered submitted.
- A115638 Trader Joe's Company,
v.
Workers' Compensation Appeals Board and Rick Lee Evets.
Cause called and argued by Scott W. Davenport, counsel for petitioner, and James R. Kneisler, Jr., for respondent Evets, via teleconference. Cause ordered submitted.

Court recessed until 1:30 p.m.

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION THREE

Wednesday, February 14, 2007

Court re-convened at 1:30 p.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Parrilli, Acting P.J., Pollak, J., and Siggins, J.; and B. Robbins, Deputy Clerk.

- A114195 California Family Bioethics Council,
 v.
 Independent Citizen's Oversight Committee.
Cause called and argued by David L. Llewellyn, counsel for appellant, and Tamar Pachter, counsel for respondent. Cause ordered submitted.
- A113024 People's Advocate & National Tax Limitation Foundation,
 v.
 Independent Citizen's Oversight Committee, et al.
Cause called and argued by Robert M. Taylor, Jr., counsel for appellant, and Tamar Pachter, counsel for respondent. Cause ordered submitted.

Court adjourned.

Wednesday, February 14, 2007 (continued)

Division Four

A111740 – The People v. Jose Lenin Romero.

The judgment is affirmed. Ruvolo, P.J. We Concur: Sepulveda, J., Rivera, J. (Not for Publication.)

A114346 – The People v. Bruce Jason Hunsucker.

Judgment affirmed. Reardon, J. We Concur: Ruvolo, P.J., Rivera, J. (Not for Publication.)

Division Five

A114422 – The People v. Daniel Saucedo.

The judgment is affirmed. Simons, Acting P.J. We Concur: Gemello, J., Miller, J.* (Not for Publication.)

* Judge of the Superior Court of San Francisco County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Thursday, February 15, 2007

Division One

A114197 – The People v. Selena Crain.

Accordingly, the judgment is affirmed. We have denied defendant's related petition for writ of habeas corpus by separate order filed this date. (*In re Crain* (A115879).) Swager, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

A113418 - In re T.C. et al, Persons Coming Under the Juvenile Court Law. Napa County Department of Health and Human Services v. Tracy C.

For all of the reasons stated above, the order denying the section 388 petition and denying petitioner reunification services is affirmed. Stein, J. We Concur: Marchiano, P.J., Swager, J. (Not for Publication.)

A113928 - In re T.C. et al, Persons Coming Under the Juvenile Court Law. Napa County Department of Health and Human Services v. Tracy C.

The order terminating parental rights is affirmed. Stein, J. We Concur: Marchiano, P.J., Swager, J. (Not for Publication.)

Division Two

A115192 – The People v. Donna D. Kelsay.

The order revoking appellant's probation and sentence imposed are affirmed. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication.)

A112564 – Christopher Womack v. San Francisco Community College District et al.

By the Court: The opinion in the above-entitled matter on January 24, 2007, was not certified for publication in the Official Reports. For good cause it now appears that the opinion should be published in the Official Reports and it is so ordered. Kline, P.J.

A115837 – In re M.V., a Person Coming Under the Juvenile Court Law. Ruby G. v. San Mateo County Superior Court; San Mateo County Human Services Agency, R.P.I.

The petition is denied on the merits. (Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888 [barring subsequent challenges on appeal]; § 366.26, subd. (l)(1).) Given the need to proceed promptly with the .26 hearing set for February 22, 2007, our decision is final as to this court immediately (rule 8.260(b)(3)). Lambden, J. We Concur: Kline, P.J., Richman, J. (Not for Publication.)

MINUTES
COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION FIVE

Thursday, February 15, 2007

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Jones, P.J., Simons, J., Gemello, J., and Miller, J. on assignment by the Chief Justice and Richard H. Sandvik, Deputy Clerk.

- A113172 Ryan Walsh, et al.
 v.
 Ikon Office Solutions, Inc.
Cause called and argued by Daniel H. Qualls, counsel for appellant, and by Gilmore Diekmann, Jr., counsel for respondent. Cause ordered submitted.
- A111707 Shaaron Green-Peace, et al.
 v.
 Citywide Property Management Inc., et al.
Cause called and argued by Fred G. Meis, counsel for appellant, and by Stacey Ann Jackson, counsel for respondent. Cause ordered submitted.
- A113389 Theodore N. Preovolos
 v.
 Peter Preovolos
Cause called and argued by Eric G. Young, counsel for appellant, and by Pajman Jassim, argued via teleconference call, counsel for respondent. Cause ordered submitted.
- A113002 In re Al-Jalil I., a Person Coming Under the Juvenile Court Law.
 The People
 v.
 Al-Jalil I.
Cause called and argued by Elisa J. Stewart, argued via teleconference call, counsel for appellant, and by Martin S. Kaye, counsel for respondent. Cause ordered submitted.

At this point in the proceedings Gemello, J. left the bench and Miller, J. joined the bench.

- A114941 Citizens For A Megaplex-Free Alameda
 v.
 City of Alameda et al.
 Alameda Entertainment Associates L.P., etc.
 Cause called and argued by Susan Brandt-Hawley, counsel for appellant, and by Robert S. Perlmutter, counsel for respondent. Cause ordered submitted.
- A110859 The People
 v.
 Patrick Everett Noel
 Cause called and argued by Judith Kahn, counsel for appellant, and by Catherine Rivlin, counsel for respondent. Cause ordered submitted.
- A113665 Sandra M. Taylor
 v.
 Kerry Steven Taylor
 Cause called and argued by Thomas F. Maxwell, counsel for appellant, and by Marvin Pederson, counsel for respondent. Cause ordered submitted.
- A114827 Democtitus Punla
 v.
 Terminal Maintenance Company et al.
 Cause called and argued by Gary A. Angel, counsel for appellant, and by William C. Kwong, counsel for respondent. Cause ordered submitted.

Court recessed 11:53 a.m.

MINUTES
COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION FIVE

Thursday, February 15, 2007

Court convened at 1:30 p.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Jones, P.J., Simons, J., Gemello, J., and Miller, J. on assignment by the Chief Justice and Richard H. Sandvik, Deputy Clerk.

A113090 The People
 v.
 Calvin Dunn
Cause called and argued by Violet Grayson, counsel for appellant, and by Kelly M. Croxton, counsel for respondent. Cause ordered submitted.

A112831 The People
 v.
 Tony Richard Low
Cause called and argued by Matthew A. Siroka, counsel for appellant, and by Arthur P. Beever, counsel for respondent. Cause ordered submitted.

At this point in the proceedings Jones, P.J. left the bench and Simons, J. joined the bench.

A113462 In re Hugo E. et al., Persons Coming Under the Juvenile Court Law.
 Napa County Health & Human Services
 v.
 Veronica E. et al.
 Hugo E. et al.
Cause called and argued by Sharon S., Rollo, argued via teleconference call, C. Shands Phleger, Mara Wagner Carman, counsel for appellants, and by Carrie R. Gallagher, counsel for respondent. Cause ordered submitted.

At this point in the proceedings Simons, J. and Miller, J. left the bench and Jones, P.J. and Needham, J. joined the bench.

A112825 S.B.C.C., Inc. et al.
 v.
 Roof Structures, Inc.
Cause called and argued by Peter J. Whalen, counsel for appellant, and by Michael R. Reynolds, counsel for respondent. Cause ordered submitted.

Court adjourned at 3:15 p.m.

Friday, February 16, 2007

Division One

A091588 – The People v. Lance Ernest Laumann.

The renewed motion to recall the remittitur is granted. We recall the remittitur, and order that a new remittitur issue reversing the second degree felony murder conviction and affirming defendant's remaining convictions. This matter is remanded to the trial court for further proceedings, either retrial under a valid theory of murder or resentencing. Marchiano, P.J. We Concur: Stein, J., Swager, J. (Not for Publication.)

A113398 – Adena M. Rosmarin v. Peter Michael Rosmarin.

The order awarding attorney fees is affirmed. Margulies, J. We Concur: Stein, Acting P.J., Swager, J. (Not for Publication.)

A112650 – Silas Telfor v. Mercy Services Corporation et al.

The order quashing service on defendants Mercy Services Corporation and Francis of Assisi Community are affirmed. Defendants are entitled to their costs on appeal. Stein, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

A111338 – The People v. Kevin A. MacGregor.

The judgment is affirmed. Margulies, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication.)

A113668 – The People v. Allen Wayne Speakes.

By the Court: Appellant's petition for rehearing is denied. It is ordered that the opinion filed herein on January 17, 2007, be modified as follows: (See order.) There is no change in the judgment. Marchiano, P.J. (Not for Publication.)

A114102 – In re the Marriage of Xin Lu and Hao Xu.

By the Court: The petition for rehearing is denied. Stein, Acting P.J.

Division Two

A116192 – In re Joseph L., on Habeas Corpus.

Therefore, the petition for writ of habeas corpus is granted to the extent that the trial court is directed to determine whether grant of deferred entry of judgment is still appropriate without the authority to condition it on confinement, and pursuant to the plea agreement, permit petitioner to withdraw his plea if deferred entry of judgment is denied.

This opinion is final immediately upon filing. (Cal. Rules Of Court, rule 8.264(b)(3).) Before Kline, P.J., Lambden, J. (Not for Publication.)

Friday, February 16, 2007 (continued)

Division Two

A114137 – In re E.P., a Person Coming Under the Juvenile Court Law. Contra Costa County Bureau of Children and Family Services v. Richard P.

The order terminating appellant's parental rights is affirmed. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication.)

Division Three

A106873 – Juana Raquel Guillen, et al. v. Arnold Schwarzenegger, as Governor of California, et al.

The judgment is reversed and the writ of mandate entered in favor of the respondent class is dissolved. Each side shall bear its own costs on appeal. McGuiness, P.J. I Concur: Parrilli, J. (See dissenting opinion by Pollak, J.) (Certified for Publication.)

A111899 – The People v. Christopher Wayne Martinez.

A115202 – In re Christopher Wayne Martinez, on Habeas Corpus.

The judgment is affirmed and the petition is denied. Pollak, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

Division Four

A112829 – The People v. Aaron Matthew Horsman.

The judgment is affirmed. Reardon, J. We Concur: Ruvolo, P.J., Sepulveda, J. (Not for Publication.)

Friday, February 16, 2007 (continued)

Division Five

A112051 – Winston Callender v. City of Oakland et al.

The order of August 26, 2005 is amended by adding a sentence dismissing the action (see part one, ante); as amended the order is affirmed. Gemello, J. We Concur: Simons, P.J., Needham, J. (Not for Publication.)

A113996 – Lauren Elizabeth Barry v. Steven Gourley, etc.

The judgment is affirmed. Jones, P.J. We Concur: Gemello, J., Miller, J.* (Not for Publication.)

A113846 – In re S.S., a Person Coming Under the Juvenile Court Law. The People v. S.S.

The juvenile court is directed to prepare an amended commitment order reflecting that appellant's MTC is five years six months. The disposition order is otherwise affirmed. Simons, J. We Concur: Jones, P.J., Needham, J. (Not for Publication.)

* Judge of the Superior Court of San Francisco County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Tuesday, February 20, 2007

Division One

A110543 – George W. Ross, Jr. v. San Francisco Bay Area Rapid Transit District.

By the Court: It is ordered that the opinion filed herein on January 24, 2007, be modified as follows: (See order.) There is no change in judgment. Appellant's petition for rehearing is denied. Margulies, Acting P.J. (Certified for Partial Publication.)

Division Two

A113788 – The People v. Randy Lee Roe.

The judgment is affirmed. Kline, P.J. We Concur: Lambden, J., Richman, J. (Not for Publication.)

MINUTES

CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION TWO

Tuesday, February 20, 2007

The Court convened at 9:30 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Haerle, Acting P.J., Lambden, J., Richman, J., Officer Bartlett and S. Wheeler, Deputy Clerk.

- A115827 Jacqueline E.,
 v.
 The Superior Court of San Francisco County;
 San Francisco Department of Human Services, et al.
 Cause called and argued by Caroline Todd, counsel for petitioner, and Jennifer Williams, Deputy County Counsel, counsel for Real Party in Interest. Cause ordered submitted.
- A111154 The People,
 v.
 Jose Luis Mejia.
 Cause called and argued by Rodney Jones, counsel for appellant, and John Deist, Deputy Attorney General, counsel for respondents. Cause ordered submitted.
- A114204 Dennis W. Brown,
 v.
 Heat & Frost Insulators And Asbestos Workers Union, Local 16, et al.
 Cause called and argued by Richard M. Rogers, counsel for appellant, and Joan Presky, counsel for respondents. Cause ordered submitted.
- A114777 Paul Den Beste,
 v.
 John F. De Meo, et al.
 Cause called no appearance for appellant, in propia persona, and Ralph A. Lombardi, counsel for respondents. Respondent waives argument. Cause ordered submitted.

A112387 City of Fairfield.
v.
John B. Lassus.
Cause called and argued by John B. Lassus, in propia persona, and Tilden Kim, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

Court recessed until 1:30 p.m.

Court reconvened at 1:30 p.m. Present: Kline, P.J., Haerle, J., Richman, J., Officer Bartlett and S. Wheeler, Deputy Clerk.

A115390 Christian Ellis Hagaseth,
v.
Superior Court San Mateo;
The People.
Cause called and argued by Carleton Briggs, counsel for petitioner, and Peter Lynch, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A113311 In re Jessica M., a Person Coming Under the Juvenile Court Law.
The People,
v.
Jessica M.
Cause called and argued by Jeffrey A. Needleman, counsel for appellant, and Ronald Niver, Deputy Attorney General, counsel respondent. Cause ordered submitted.

A114584 Eleanor Lindquist,
v.
Jeffrey C. Lindquist.
Cause called and argued by Eleanor Lindquist, in propia persona, and no appearance for respondent. Cause ordered submitted.

COURT ADJOURNED.

Tuesday, February 20, 2007 (continued)

Division Three

A115119 – In re the Marriage of Cecily Bailey and Richard Bailey. Richard Bailey v. Cecily Bailey.

The appeal is dismissed. Parrilli, J. We Concur: McGuiness, P.J., Pollak, J. (Not for Publication.)

Division Five

A111081 – The People v. Anthony Price.

By the Court: The opinion filed on January 26, 2007, is hereby certified for publication pursuant to California Rules of Court, rule 8.1105. Jones, P.J. (Certified for Publication.)

A113115 – In re Mohammed N., a Person Coming Under the Juvenile Court Law. The People v. Mohammed N.

A114824 – In re Mohammed N., a minor, on Habeas Corpus.

The matter is remanded to the juvenile court to determine appellant's entitlement to predisposition credits. In all other respects the judgment is affirmed. The petition for habeas corpus is denied. Simons, Acting P.J. We Concur: Gemello, J., Miller, J.* (Not for Publication.)

* Judge of the Superior Court of San Francisco County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Wednesday, February 21, 2007

Division One

A113589 – LaPrairie Group Contractors (International) LTD. v. CE Casecnan LTD., et al.

The trial court's finding of 493 gigawatts per year for the energy production and sale input is reversed. The case is remanded to the trial court with directions to modify the finding on the energy production and sale input to reflect a figure of 425 gigawatts per year as stated in the Completion Pro Forma. In all other respects the judgment is affirmed. The trial court is also directed to determine respondent's interest in the Project Company based upon the modification of the energy production and sale input. The parties are to bear their own costs on appeal. Swager, J. We Concur: Stein, Acting P.J., Margulies, J. (Not for Publication.)

A112254 – Bruce McKay v. Self Defense Institute et al.

The judgment is affirmed. Swager, J. We Concur: Stein, Acting P.J., Margulies, J. (Not for Publication.)

Division Two

A113345 – The People v. Erik James Richard Crouch.

The judgment is affirmed. Kline, P.J. We Concur: Haerle, J., Richman, J. (Not for Publication.)

A112099 – Julia Bono v. Elicia W. David.

The order appealed from is affirmed. Haerle, J. We Concur: Kline, P.J., Richman, J. (Certified for Publication.)

MINUTES

CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION TWO

Wednesday, February 21, 2007

The Court convened at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco, California. Present: Kline, P.J., Haerle, J., Lambden, J., Officer Bartlett and I. Santos, Deputy Clerk.

- A112246 Ara Tehlirian et al.,
 v.
 City and County of San Francisco et al.
Cause called and argued by Andrew Zacks, counsel for appellant, and, Christine Van Aken, counsel for respondent. Cause ordered submitted.
- A110170 William Hanson et al.,
 v.
 Charles H. Murray.
Cause called and argued by John Hanlin, counsel for appellant, and Todd Angstadt, counsel for respondent. Cause ordered submitted.
- A109513/
A110107 Anita Maria Ramirez,
 v.
 Karyl Margaret Matsumoto.
Cause called and argued by Mark Bonino, counsel for appellant, and Daniel Smith, counsel for respondent. Cause ordered submitted.
- A114649 Lawrence A. Moskowitz,
 v.
 James Dunn.
Cause called and argued by Andrew Watters, counsel for appellant, and Lewis Russell Warren, counsel for respondent. Cause ordered submitted.

COURT ADJOURNED.

Wednesday, February 21, 2007 (continued)

Division Three

A112822 – The People v. Hoeuth Hin.

The judgment is modified to reflect a conviction of the lesser included offense of battery against a cohabitant in violation of Penal Code section 243, subdivision (e)(1), and as modified is affirmed. The case is remanded for resentencing. Siggins, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

A111347 – Pacific Bell Directory v. Law Offices of Joseph W. Carcione, Jr.

The appeal is dismissed. Siggins, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

A114234 – Lloyd W. Schloegel v. John Schloedel et al.

The ruling of the probate court is affirmed. Siggins, J. We Concur: Parrilli, Acting, P.J., Pollak, J. (Not for Publication.)

A114731 – The People v. Lawrence Vela.

The judgment is affirmed. McGuiness, P.J. We Concur: Parrilli, J., Pollak, J. (Not for Publication.)

A109735, A111434, A112506, A112930, A115422 – In re Athena H. et al., Persons Coming Under the Juvenile Court Law. Lake County Department of Social Services v. Cynthia H. et al.

By the Court: The petitions for rehearing are denied. McGuiness, P.J.

Wednesday, February 21, 2007 (continued)

Division Five

A113389 – Theodore Prevolos v. Peter Prevolos, as General Partner of the Prevolos Family Limited Partnership, et al.

The order disqualifying Thanasi Prevolos and Prevolos & Associates from representing Peter Prevolos in this action is affirmed. Gemello, J. We Concur: Jones, P.J., Simons, J. (Not for Publication.)

A113090 – The People v. Calvin Dunn.

The order revoking defendant's probation is affirmed. Gemello, J. We Concur: Jones, P.J., Miller, J.* (Not for Publication.)

A113462 – In re Hugo E. et al., a Person Coming Under the Juvenile Court Law. Napa County Department of Health and Human Services v. Veronica E. et al.

The appeal is dismissed. Miller, J.* We Concur: Simons, Acting P.J., Gemello, J. (Not for Publication.)

* Judge of the Superior Court of San Francisco County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

* Judge of the Superior Court of San Francisco County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Thursday, February 22, 2007

Division One

A111465 – The People v. Joshua James Lahommedieu.

By the Court: Appellant's petition for rehearing is denied. California Rules of Court, rule 8.204(a)(2)(B)) afforded appellant an opportunity to explain why the June 5 order was appealable. Marchiano, P.J.

Division Two

A113074 – The People v. Paul Zapisek.

The trial court's order is affirmed. Lambden, J. We Concur: Kline, P.J., Haerle, J. (Certified for Publication.)

Division Three

A111490 – The People v. Marzell Brown.

The judgment is reversed and the matter is remanded to the trial court. If Brown moves to withdraw her plea within 30 days of issuance of the remittitur by this court, the trial court is directed to vacate the guilty plea. In that event, on motion of the People, the original charges shall be reinstated and trial or other appropriate disposition shall proceed. If Brown does not elect to withdraw her plea of guilty within the specified time, the trial court shall proceed to exercise its discretion under subdivision (f) of section 1202.4 and consider whether compelling and extraordinary reasons justify awarding less than full victim restitution. In that event, the trial court shall reinstate the judgment, subject to any modification of the victim restitution award that may be justified by compelling and extraordinary circumstances stated on the record. McGuiness, P.J. We Concur: Parrilli, J., Pollak, J. (Certified for Publication.)

A114152 – The People v. Arvell Sabir Whitson.

The portions of the April 26, 2006, sentence imposing a restitution fine of \$400 and a suspended parole revocation restitution fine of \$400, are modified (1) to reinstate the \$200 restitution fine originally imposed by the court under Penal Code section 1202.4, subdivision (b); and (2) to reduce from \$400 to \$200 the suspended parole revocation fine imposed under Penal Code section 1202.45. The judgment of commitment to the Director of Corrections for confinement in California Rehabilitation Center is vacated, and the matter is remanded to the superior court for further proceedings. McGuiness, P.J. We Concur: Pollak, J., Siggins, J. (Not for Publication.)

Thursday, February 22, 2007 (continued)

Division Three

A112539 – Jimmie D. Bonander et al. v. Town of Tiburon et al.

By the Court: The written opinion filed on January 31, 2007, has now been certified for publication pursuant to rule 8.1105(b) of the California Rules of Court, and it is ordered published in the official reports. McGuiness, P.J. (Certified for Publication.)

A113024 – Circle Star Center Associates, L.P. v. Liberate Technologies.

We reverse in part and affirm in part. On remand, the court is directed to deny Liberate's motion to strike the allegations supporting the claim for attorney fees incurred in the bankruptcy proceedings. In all other respects, the judgment is affirmed. Each party is to bear its own costs on appeal. Siggins, J. We Concur: McGuiness, P.J., Pollak, J. (Certified for Publication.)

A114024 – The People v. Jerry R. Gonsalves.

The judgment is affirmed. McGuiness, P.J. We Concur: Parrilli, J., Pollak, J. (Not for Publication.)

A115163 – In re Michael L., a Person Coming Under the Juvenile Court Law. The People v. Michael L.

The juvenile court's order denying Michael's motion to modify restitution is affirmed. Parrilli, J. We Concur: McGuiness, P.J., Pollak, J. (Not for Publication.)

A114074 – The People v. Isabel O. Fitzpatrick.

The judgment is affirmed. Parrilli, Acting P.J. We Concur: Pollak, J., Siggins, J. (Not for Publication.)

Division Four

A114193 – The People v. Larry D. Smith.

The trial court is ordered to correct the abstract of judgment to reflect a restitution fine in the amount of \$200 and to transmit the corrected abstract of judgment to the Department of Corrections. In all other respects, the judgment is affirmed. Sepulveda, J. We Concur: Ruvolo, P.J., Rivera, J. (Not for Publication.)

A113791 – The People v. Albert Dominic Leanillo II.

We find no error in the trial court's denial of defendant's motion to suppress, renewed pursuant to his Penal Code section 995 motion. The judgment is affirmed. Sepulveda, J. We Concur: Ruvolo, P.J., Reardon, J. (Not for Publication.)

Thursday, February 22, 2007 (continued)

Division Five

A112546 – Yumi Sam et al. v. Dennis A. Crump.

The judgment is reversed. Having reversed the trial court's ruling, we summarily deny Crump's request for sanctions for a frivolous appeal. Simons, J. We Concur: Jones, P.J., Miller, J.* (Not for Publication.)

A114394 – The People v. Richard Vaughn Foster.

The order is affirmed. Simons, J. We Concur: Jones, P.J., Miller, J.* (Not for Publication.)

* Judge of the Superior Court of San Francisco County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

* Judge of the Superior Court of San Francisco County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Friday, February 23, 2007

Division One

A114441 – Debbie Day v. Martti Mallinen.

A114446 – Martti Mallinen v. Debbie L. Day.

The orders of the family court are affirmed. Margulies, J. We Concur: Marchiano, P.J., Swager, J. (Not for Publication.)

A113779 – In re Jordan C., a Person Coming Under the Juvenile Court Law. Humboldt County Department of Health and Human Services v. Dalina C.

The April 11, 2006, order is reversed and this case is remanded to the juvenile court for further proceedings consistent with this opinion. Haerle, Acting P.J. We Concur: Lambden, J., Richman, J. (Not for Publication.)

Division Two

A113638 – The People v. Anthony Charles Contino.

The judgment is affirmed. Haerle, Acting P.J. We Concur: Lambden, J., Richman, J. (Not for Publication.)

A111043 – In re the Marriage of Diane Noakes and Steven Kettermann. Diane Noakes v. Steven Kettermann.

We strike that part of the order of January 14, 2005 directing Kettermann to reimburse \$5,202.69 in uninsured medical costs. The order is otherwise affirmed. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication.)

A113841 – The People v. Benith Davis.

The judgment of conviction is affirmed. Richman, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

Division Three

A109085 – Conservatorship of the Estate of Francis L. Ashley. Linda L. Kretz, Public Guardian of the County of Alameda, Successor conservator of the Estate of Francis L. Ashley v. Seaboard Surety Company, Karen Rayl, as Coexecutor, etc., et al.

The trial court's order imposing a surcharge against the Estate; Karen Rayl, Harvey Ottovich and Randy Ottovich, as the Estate's executors; and Seaboard, as the Estate's surety is affirmed. Costs are awarded to the Public Guardian of Alameda County. Parrilli, Acting P.J. We Concur: Pollak, J., Siggins, J. (Not for Publication.)

Friday, February 23, 2007 (continued)

Division Three

A113308 – The People v. Frank William Ortman.

The judgment is affirmed. Pollak, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

A113871 – The People v. Joseph Ronald Olison.

The judgment is affirmed. Pollak, J. We Concur: Parrilli, Acting P.J., Siggins, J. (Not for Publication.)

A109141 – The People v. Ulysses Davis, Jr.

The judgment is reversed and the case is remanded for further proceedings. Parrilli, J. We Concur: McGuiness, P.J., Pollak, J. (Not for Publication.)

A113300 – In re Mar’Von S. et al., Persons Coming Under the Juvenile Court Law. Alameda County Social Services Agency v. Marvin S.

The orders of the juvenile court are affirmed. McGuiness, P.J. We Concur: Pollak, J., Siggins, J. (Not for Publication.)

Monday, February 26, 2007

Division Two

A110170 – William Hanson et al. v. Charles H. Murray.

The judgment is affirmed. Murray is awarded costs on appeal. Lambden, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

Division Three

A114265 – Marc Struppa et al. v. City of Petaluma.

The judgment is reversed and the case remanded for further proceedings. The City shall bear the costs on appeal. Parrilli, Acting P.J. We Concur: Pollak, J., Siggins, J. (Not for Publication.)

A114195 – California Family Bioethics Council v. California Institute for Regenerative Medicine et al.

A114282 – People’s Advocate et al. v. Independent Citizen’s Oversight Committee et al.

The judgment is affirmed. Pollak, J. We Concur: Parrilli, Acting P.J., Siggins, J. (Certified for Publication.)

Division Four

A112347 – Verlie Tatum v. City and County of San Francisco et al.

The judgment is affirmed. Rivera, J. We Concur: Ruvolo, P.J., Reardon, J. (Not for Publication.)

A115360 – Clarus Systems, Inc. v. Variphy, Inc. et al.

The order denying appellants’ petition to compel arbitration is reversed, and this case is remanded to the trial court with directions to enter a new order granting the petition; ordering arbitration; and staying this litigation except as to proceedings necessary to enforce Clarus’s right to provisional equitable relief as specified in section 7(b) of the nondisclosure agreement. Appellants are awarded their costs on this appeal. Ruvolo, P.J. We Concur: Reardon, J., Sepulveda, J. (Not for Publication.)

A114725 – The People v. Joseph Donald Ray.

No arguable issues appear. The judgment is affirmed. Sepulveda, J. We Concur: Ruvolo, P.J., Rivera, J. (Not for Publication.)

Monday, February 26, 2007 (continued)

Division Four

A112206 – The People v. Charles O’Neal.

By the Court: Order Granting Petition for Rehearing. Appellant’s petition for rehearing is granted. Appellant is directed to file a letter brief no longer than five pages in length responding to the People’s answer, particularly the argument that the recidivism exception applies in this case. Appellant shall serve and file his letter brief within 20 days of this order. At this time, the court does not anticipate setting oral argument on rehearing. Ruvolo, P.J.

Division Five

A110859 – The People v. Patrick Everett Noel.

The judgment is modified with respect to count six to reflect a concurrent one year four month sentence for the section 12022.5 enhancement. As modified, the judgment is affirmed and the cause is remanded to the trial court with directions to issue a corrected abstract of judgment and to forward it to the Department of Corrections and Rehabilitation. Miller, J. We Concur: Jones, P.J., Simons, J. (Not for Publication.)

A113665 – Sandra M. Taylor v. Kerry Steven Taylor.

The judgment is affirmed. Miller, J.* We Concur: Jones, P.J., Simons, J. (Not for Publication.)

* Judge of the Superior Court of San Francisco County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Tuesday, February 27, 2007

Division One

A109411 – The People v. Raoul Campos.

The judgment is affirmed. Stein, Acting P.J. We Concur: Swager, J., Margulies, J. (Not for Publication.)

A112111 – The People v. Jeremiah J. Johnson.

The judgment is affirmed. Margulies, J. We Concur: Stein, Acting P.J., Swager, J. (Not for Publication.)

A113831 – The People v. Louis Anthony Bender.

The judgment is modified to award 44 days of actual custody credit and 22 days of conduct credit toward the state prison sentence, and, as so modified, the judgment is affirmed. The trial court is directed to prepare and forward an amended abstract of judgment reflecting these modifications to the Department of Corrections. Marchiano, P.J. We Concur: Swager, J., Margulies, J. (Not for Publication.)

A108473 – City and County of San Francisco v. Pacific Gas and Electric Company.

The order denying PG&E's motion to compel arbitration is affirmed. Marchiano, P.J. We Concur: Stein, J., Margulies, J. (Not for Publication.)

Division Two

A113311 – In re Jessica M., a Person Coming Under the Juvenile Court Law. The People v. Jessica M.

The juvenile court's order is affirmed. Kline, P.J. We Concur; Haerle, J., Richman, J. (Not for Publication.)

Division Three

A113365 – The People v. Lawrence Edward May.

The parole revocation restitution fine is stricken and the judgment is otherwise affirmed. Siggins, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

A111031 – The People v. Stephen Richard Crump.

The judgment is reversed and remanded to the trial court for resentencing in accord with the requirements of *Cunningham v. California, supra*, 549 U.S. ____ [127 S.Ct. 856]. Siggins, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

A114896 – The People v. Daniel Preston Bryant.

The judgment is affirmed. Siggins, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

Tuesday, February 27, 2007 (continued)

Division Three

**A113444 – In re Dominic C., a Person Coming Under the Juvenile Court Law.
Alameda County Social Services Agency v. Sandra L.**

The juvenile court's dispositional order is affirmed. Parrilli, J. We Concur: McGuiness, P.J., Siggins, J. (Not for Publication.)

A114896 – The People v. Daniel Preston Bryant.

The judgment is affirmed. Siggins, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

**A114046 – In re Sophia M., et al., Persons Coming Under the Juvenile Court Law.
Alameda County Social Services Agency v. Teresa W., et al.**

The orders of the juvenile court are affirmed. Siggins, J. We Concur: Parrilli, Acting P.J., Pollak, J. (Not for Publication.)

**A114527 – In re Ayanna K. et al., Persons Coming Under the Juvenile Court Law.
Alameda County Social Services Agency v. Edward K.**

The dispositional order is reversed insofar as it denied Edward continued reunification services and the matter is remanded to the juvenile court for further proceedings. Pollak, J. We Concur: Parrilli, Acting P.J., Siggins, J. (Not for Publication.)

MINUTES
CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION FOUR

Tuesday, February 27, 2007

The Court reconvened at 1:30 p.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Ruvolo, P.J., Reardon, J., and Sepulveda, J.; Jacqueline Alameda, Deputy Clerk; CHP Officer Eric Strecker, Bailiff.

A114812 Intervention Inc.,
v.
Avanir Pharmaceuticals et al.;
Annetta Scott.
Cause called. Elizabeth A. Fegan argued for appellant Scott. Lori A. Schecter argued for respondent Avanir Pharmaceuticals. Donald Driscoll argued for respondent Intervention Inc. Cause submitted.

A112384 In re the Marriage of Stephen Lockhart and Nina Ringgold.
A112635 Stephen Lockhart,
v.
Nina Ringgold.
Cause called. Nina Ringgold, appellant in propria persona, argued via teleconference. Carol Amyx argued for respondent Lockhart. Cause submitted.

For the next cause, the court reconstituted itself to include Ruvolo, P.J., Reardon, J., and Rivera, J.

A109912 People,
v.
Robert Matthew Church.
Cause called. Randi Dana Covin argued for appellant. John Deist argued for respondent. Cause submitted.

A112454 People,
v.
Ricki Jay Ingalsbe.
Cause called. Nella M. Bertin argued, via teleconference, for appellant Ingalsbe. Arthur Beever argued for respondent. Cause submitted.

Continued.

A112136 Jackson Plaza Homeowners Association,
v.
Vincent T. C. Tai et al.
Cause called. Scott Williams argued for appellant Jackson Plaza. Thorsten Pray argued for respondents Tai et al. The Court requests additional briefing from the respondents. The letter brief shall be filed by the close of business on March 2, 2007. The cause shall then be submitted on March 2, 2007.

A110120 Andrea Savaglio et al.,
A111606 v.
Wal-Mart Stores, Inc.;
The Berkeley Daily Planet.
Cause called. Theodore Franklin argued for appellant Berkeley Daily Planet. Donald Falk argued for respondent Wal-Mart Stores. Karl Olson argued for amicus. Cause submitted

Court adjourned.

Tuesday, February 27, 2007 (continued)

Division Five

A115708 – The People v. Daryl Wayne Titus.

The judgment of conviction is affirmed. The matter is remanded to the trial court with instructions to prepare a new abstract of judgment showing a total sentence imposed of two years eight months. The trial is also directed to forward a copy of the corrected abstract of judgment to the Department of Corrections. Needham, J. We Concur: Jones, P.J., Gemello, J. (Not for Publication.)

A114292 – The People v. Shamin Zaidi.

The opinion of the appellate department that affirmed the superior court's order denying defendant's motion to withdraw his plea is reversed. The case is remanded to the superior court with directions to permit defendant to withdraw his plea, and, if he elects to do so, to reinstate the dismissed charges and proceed accordingly. If he declines to withdraw his plea, the judgment of the superior court is affirmed. Jones, P.J. We Concur: Simons, J., Gemello, J. (Certified for Publication.)

Wednesday, February 28, 2007

Division One

**A114906 – In re Jeremiah J., a Person Coming Under the Juvenile Court Law.
Humboldt County Department of Social Services v. Roy J.**

Accordingly, the judgment is affirmed. Swager, J. We Concur: Marchiano, P.J., Stein, J.
(Not for Publication.)

A113566 – The People v. Kevin Sanders.

The judgment of the trial court is affirmed. Margulies, J. We Concur: Marchiano, P.J.,
Swager, J. (Not for Publication.)

Division Two

A113542 – The People v. Joseph P. Turturici.

The judgment is hereby modified to strike the \$20 security fee imposed under section
1465.8 and, as so modified, is otherwise affirmed. Lambden, J. We Concur: Kline, P.J., Haerle,
J. (Not for Publication.)

A113169 – Edward Camp v. Sandra Bear.

The judgment is affirmed. Haerle, J. We Concur: Kline, P.J., Lambden, J. (Not for
Publication.)

**A112543 - Conservatorship of the Person and Estate of Raeven Auhkbar. Charlene
Silva, as Public Guardian, etc. v. Lina Kretz, as Public Guardian, etc.**

The order dismissing San Mateo County's petition for appointment of conservator is
affirmed. Richman, J. We Concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

**A110098 – In re the Marriage of Florence Lovie and Willie Van Der Horst. Florence
Lovie Van Der Horst v. Willem Van Der Horst.**

We affirm the court's orders. Respondent Lovie is awarded costs. Lambden, J. We
Concur: Kline, P.J., Haerle, J. (Not for Publication.)

A110121 – Yvette Munoz et al. v. City of Union City et al.

The judgment is reversed and the matter remanded to the trial court, with directions to
enter a new judgment apportioning liability nine percent to Lucilla and 91 percent to Woodward.
Kline, P.J. We Concur: Haerle, J., Richman, J. (Certified for Publication.)

Wednesday, February 28, 2007 (continued)

Division Three

A113844 – In re Anthony M., a Person Coming Under the Juvenile Court Law. The People v. Anthony M.

The orders of the trial court are affirmed. Siggins, J. We Concur: McGuiness, P.J., Pollak, J. (Not for Publication.)

A111199 – The People v. Paul Louis Glasper, Jr.

The judgment is affirmed in all respects. Parrilli, J. We Concur: McGuiness, P.J., Siggins, J. (Not for Publication.)

A116440 – Elizabeth Q. v. The Superior Court of Contra Costa County; Contra Costa County Children and Family Services Bureau, R.P.I.

The petition for extraordinary relief is denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888, 894.) Since the permanency planning hearing is set for April 2, 2007, our decision is immediately final as to this court. (Cal. Rules of Court, rule 8.264(b)(2)(A).) Pollak, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

A115638 – Trader Joe's Company v. Workers' Compensation Appeals Board, Rick Lee Evets.

The petition for writ of review is granted. That portion of the award applying the 1997 permanent disability rating schedule is vacated, and the case is remanded for recalculation of Evets's permanent disability rating under the schedule that went into effect on January 1, 2005. In all other respects, the award is affirmed. Evets's request for attorney fees under section 5801 is denied. The parties shall bear their own costs herein. Pollak, J. We Concur: Parrilli, Acting P.J., Siggins, J. (Not for Publication.)

A112972 – The People v. Jorge Antonio Pantoja.

The judgment is affirmed. Pollak, J. We Concur: McGuiness, P.J., Siggins, J. (Not for Publication.)

A113114 – In re Kira M et al., Persons Coming Under the Juvenile Court Law. Humboldt County Department of Health and Human Services v. Jennifer M.

The appeal of the December 22, 2005, order terminating parental rights as to Kira in superior court case No. JV040002 is dismissed as untimely. The January 18, 2006, order terminating parental rights as to Morgan in superior court case No. JV040003 is reversed, subject to reinstatement upon a determination that ICWA is inapplicable after the notice requirements of ICWA have been satisfied. McGuiness, P.J. We Concur: Parrilli, J., Siggins, J. (Not for Publication.)

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION THREE

Wednesday, February 28, 2007

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: McGuiness, P.J., Parrilli, J., and Siggins, J.; and B. Robbins, Deputy Clerk.

A110454 City of Oakland,
 v.
 Ben Rogers.
Cause called and argued by Gregory Harper, counsel for appellant, and Gary G. Campbell, counsel for respondent. Cause ordered submitted.

A105790 Federal Insurance Company,
 v.
 Symons Corporation;
 American International Surplus Lines Insurance Company.
Cause called and argued by Helen Michael, counsel for appellant; Thomas Holden, counsel for respondent AISLIC; Heidi Hugo, counsel for respondent International Insurance Company; and Jaymeson Pegue, counsel for respondent Federal Insurance Company. Cause ordered submitted.

A111246 The People,
 v.
 Andres Vazquez Rios.
Cause called and argued by James Jones, counsel for appellant, and Eric Share, counsel for respondent. Cause order submitted.

At this point in the proceedings, Justice Pollak left the bench and Justice Siggins joined the bench.

A113519 California Correctional Peace Officers' Association,
 v.
 State of California, et al.
Cause called and argued by Ronald Yank, counsel for appellant, and Michelle M. Mitchell, counsel for respondents. Cause ordered submitted.

A115589 In re Ashley W.
Solano County Health & Social Services Agency,
v.
Ashley W., et al.
Cause called and argued by Courtney Phleger, counsel for minors; Valerie
Sopher, counsel for mother; and Lori A. Mazella, counsel for Solano County.
Cause ordered submitted.

At this point in the proceedings, Justice Parrilli left the bench and Justice Pollak
re-joined the bench.

A114067 In re Vaughn H.
Alameda County Social Services Agency,
v.
Carmen H.
Cause called and argued by Gregory Haynes, counsel for appellant, and Grace
Tam, counsel for respondent. Cause ordered submitted.

A110043 David C Lee,
v.
Max Schoenfeld.
Cause called and argued by Adam Gruen, counsel for appellant, and Michael von
Loewwnfeldt, counsel for respondent. Cause ordered submitted.

A106722 Rhainell A. Madrona,
v.
Edith A. Madrona.
Cause called and argued by Adam J. Gromfin, counsel for appellant/cross-
respondent, and Eduardo Sandoval, counsel for respondent/cross-appellant. Cause
ordered submitted

Court adjourned.

Wednesday, February 28, 2007 (continued)

Division Four

A114445 – The People v. Michael Shawn Schinaman.

The judgment is affirmed. Ruvolo, P.J. We Concur: Sepulveda, J., Rivera, J. (Not for Publication.)

A115467 – The People v. George Branch.

Judgment affirmed. Reardon, J. We Concur: Ruvolo, J., Sepulveda, J. (Not for Publication.)

A114045 – In re Daniel G., a Person Coming Under the Juvenile Court Law. Contra Costa County Children and Family Services Bureau v. S.T.

The May 22, 2006 order terminating parental rights and selection adoption as the permanent plan is affirmed. Reardon, J. We Concur: Ruvolo, J., Sepulveda, J. (Not for Publication.)

A112120 – The People v. Delvon Jajuan Hammond.

The judgment is affirmed. Ruvolo, P.J. We Concur: Reardon, J., Sepulveda, J. (Not for Publication.)

A111821 – Dorothy Anderson v. City of Vacaville; The Tenants Residing at Casa Grande Mobilehome Park, R.P.I., Katherine Oppenheimer.

The judgment is affirmed. Sepulveda, J. We Concur: Reardon, Acting P.J., Rivera, J. (Not for Publication.)

Division Five

A109656 – Broderick Harrison v. City and County of San Francisco et al.

For the foregoing reasons, we conclude that Harrison's appeal is now moot. The appeal is therefore dismissed. Simons, J. We Concur: Jones, P.J., Gemello, J. (Not for Publication.)